

Defendants Smithfield Foods, Inc., Murphy Farms of Texhoma, Inc., Murphy-Brown LLC, and Prestage-Stoecker Farms, Inc. were each served with a copy of Plaintiff's Petition on February 6, 2006. Summons and Petition Served on Defendant Smithfield Foods, Inc., attached as Exhibit 2; Summons and Petition Served on Defendant Murphy Farms of Texhoma, Inc., attached as Exhibit 3; Summons and Petition Served on Defendant Murphy-Brown LLC attached as Exhibit 4; Summons and Petition Served on Defendant Prestage-Stoecker Farms, Inc., attached as Exhibit 5. Murphy Farms, Inc. has not been served.

2. This case is being removed within thirty (30) days of Defendants Smithfield Foods, Inc., Murphy Farms of Texhoma, Inc., Murphy-Brown LLC, and Prestage-Stoecker Farms, Inc. being served with Plaintiff's Petition in accordance with 28 U.S.C. § 1446(b).

3. Removal of this action is proper because Plaintiff asserts claims over which this Court has original jurisdiction under 28 U.S.C. § 1331, in that the disputes involve the EPA and Title VII, both of which are federal statutes. 28 U.S.C. §§ 1331, 1441(b).

4. Because federal question jurisdiction exists under 28 U.S.C. § 1331, the State Court Action may be removed to this Court in accordance with the provisions of 28 U.S.C. §§ 1441 and 1446.

5. Pursuant to Rule 81.2 of the Local Rules for the United States District Court for the Western District of Oklahoma and 28 U.S.C. § 1446(a), this Notice of Removal is accompanied by a certified copy of the docket sheet in the State Court Action (Exhibit 6), a copy of all documents filed in State Court Action (Exhibits 7 and 8), and a copy of all documents served in the State Court Action (Exhibits 1-5).

6. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district embraces the place where the removed action has been pending.

7. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

PRAYER

WHEREFORE, Defendants pray that the above-referenced action pending against them in the District Court of Texas County, State of Oklahoma, be removed to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

McAFEE & TAFT, P.C.

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and

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**ATTORNEYS FOR DEFENDANT
PRESTAGE-STOECKER FARMS, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendants' Notice of Removal has been served upon counsel for Plaintiff, Bill Abney, Jr., 4801 Classen Blvd., Suite 251, Oklahoma City, Oklahoma, 73118, by certified mail, return receipt requested, on this 23rd day of February, 2006.

/s/ Sam R. Fulkerson
SAM R. FULKERSON